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Maria Theresa Barnes Leon

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CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER

MISIASZEK, MICHAEL

ART UNIT

PAPER NUMBER

3625

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06/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

Applicant's amendments filed 3/24/2009 have been received and reviewed. The status of the claims is as follows:

Claims 3-8, 11-21, 24, 26, and 28 are pending. Claims 3, 11, and 17-21 were previously withdrawn from consideration.

Requirement for Information under 37 CFR 1.105

3. Rule 1.105 allows the Examiner, in the course of examining or treating a matter in a pending application, to require the submission from Applicant and his assignees of information as may be reasonably necessary to properly examine or treat the matter. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide information that the examiner has determined is reasonably necessary to the examination of this application. This information generally relates to background information of mathematical concepts of the claimed invention.

Applicant cites 71 references in the IDS. The examiner after sampling some of the references is requesting information from the applicant in order to reasonably limit the scope of the IDS to references which are at least related to the scope of the patent application.

Art Unit: 3625

For instance, the following samples of IDS references do not appear to be directly applicable to the instant application which is a system which converts product data from one format to another.

Reference # 6, Patent 5742588 is a method and system of packet switched traffic in a cellular telecommunications system.

Reference # 38, Patent Pub. 2002/0085020 is an XML-based graphical user interface application development toolkit.

Reference #40, Patent Pub. 2002/0138532 is a simplified circuit for correlating binary and non-binary sequences.

Reference #45, Patent Pub. 2002/0184148 is a system for web-based payroll and benefits administration

Reference #57, Patent Pub. 2007/0203710 is a method for managing future career paths.

Reference #63, Patent Pub. 2007/0226049 is a method of modeling employee performance result data.

Interrogatories

Please provide answers to each of the following interrogatories eliciting factual information regarding the concepts of the present invention.

- a. Which of the cited IDS references are reasonably pertinent to the subject matter of the referenced application and if so, in what way?

- b. Is the applicant aware of any other related (common inventor or ownership) patent applications or patents from which the applicant is providing references either cited by the examiner or derived from the search related to those other patents? If so, please provide the application numbers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-8, 12-16, 24, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappoport in view of Arai and Walsh et al. (US 2005/0197880 A1, hereinafter Walsh)

Regarding Claims 24, 26, 28

Rappoport discloses a method and medium comprising managing a product, comprising:

- extracting product management information in a first form, wherein the product management information comprises information regarding the managing of the product and the first form is associated with a first source computerized product management system (at least abstract: product design data for source system extracted from source system)
- converting the product management information in the first form, wherein the converting the product management information in the first form converts the product management information in the first form into product management

Art Unit: 3625

information that is in a second intermediate form (at least column 10, lines 1-8:
data converted into intermediate form and stored in bridge structure)

- converting the product management information in the second intermediate form wherein the converting the product management information in the second intermediate form converts the product management information in the second intermediate form into product management information in a target form the product management information in a target form corresponds to a target computerized product management system (at least column 5, lines 1-16: intermediary form converted to target form for target system)
- converting the information in the second intermediate form into multiple different target forms (at least column 9, lines 15-27: bridge structure can be used for storing information for conversion to more than one type of CAD system)
- performing an update of an existing product management record in the target computerized product management system using the product management information in the target form (at least column 5, lines 36-46: once in target form, design can be manipulated/updated)

Art Unit: 3625

Rappaport does not specifically disclose that the data being stored and converted in the method is product management information.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The extracting, converting, and performing steps would be performed in the same manner regardless of the data. Merely labeling the data in a specific manner would not alter the functionality of the claimed method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Further, the examiner notes that Rappaport teaches using CAD systems for handling enterprise resource planning data (see at least column 1, lines 43-52), which is equated to product management information in the present specification.

Rappaport further does not specifically disclose that the performing and update is performed in response to the converting the product management information into a target form, and wherein the existing product management record resided in the target computerized product management system prior to converting the product management information. Arai teaches that it is known to include performing an update of an existing product record in response to an information conversion (at least paragraphs [0050], [0052] and [0056]: existing drawings record in drawings database updated following drawing changes after conversion) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and medium, as taught by Rappaport, with the updating, as disclosed by Arai, since such a modification would have provided prevention of erroneous usage and assurance that formal design data is used through a supervised updating procedure (at least paragraph [0052] of Arai).

Rappaport still further does not explicitly disclose an intermediate form the comprises hierarchy of data elements comprising a plurality of product elements. Walsh teaches that it is known to include a hierarchy of enterprise business data elements (at least paragraph [0098] in an environment in which enterprise data is mapped to a new format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention, as taught by Rappaport, with the hierarchy of data elements, as taught by Walsh, since such a modification would have only united elements of the prior art references, with no change in their respective function, and which yield predictable results.

Art Unit: 3625

Regarding Claims 4-8, 12-16

While Rappoport, Arai, and Walsh do disclose various hierarchies of data elements, the references do not disclose the specific hierarchy of data elements claimed.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The extracting, converting, and performing steps of independent claims 24 and 26 would be performed in the same manner regardless of the data. In other words, no matter the format or makeup of the product management information, the same steps would be performed. Merely arranging the data in a specific fashion or labeling the data in a specific manner would not alter the functionality of the claimed method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Response to Arguments

Applicant's arguments with respect to the prior art references have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument with respect to the non-functional descriptive material have been fully considered, but they are not persuasive. Applicant asserts that the Examiner has not considered all claim limitations with regard to patentability in light of the prior art. To the contrary, the Examiner has considered each and every element of the claims with regard to patentability. However, as detailed above, certain limitations (i.e., the type of data manipulated, and the specific labels of the data elements) are non-functional descriptive material, and thus do not distinguish the claimed invention from the prior art in terms of patentability.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

Michael A. Misiaszek
Patent Examiner
6/19/2009